

BLANK ROME, LLP
Attorneys for Plaintiff
TONGLI SHIPPING CO. LTD.
Jack A. Greenbaum (JG 0039)
The Chrysler Building
405 Lexington Ave.
New York, NY 10174-0208
(212) 885-5000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TONGLI SHIPPING CO. LTD.,

Plaintiff,

-against-

SEOUL MARINE SERVICE CO. LTD. and
SMS INVESTMENT CO. S.A.,

Defendants.

06 Civ. 13459 (VM)

**PLAINTIFF'S MEMORANDUM OF LAW
IN SUPPORT OF MOTION FOR
DEFAULT JUDGMENT AGAINST
DEFENDANTS PURSUANT TO
FED R. CIV. P. 55**

This memorandum is respectfully submitted by Plaintiff, TONGLI SHIPPING CO. LTD. in support of its motion for default judgment against Defendants, SEOUL MARINE SERVICE CO. LTD. and SMS INVESTMENT CO. S.A., pursuant to Fed. R. Civ. P. 55. The facts of this case are set forth in the affidavit of Jack A. Greenbaum, sworn to October 17, 2007 ("Greenbaum Aff."), with exhibits annexed thereto, and will be referred to throughout this memorandum.

In compliance with Fed. R. Civ. P. 4(f)(1) as well as Supplemental Rule B(2) for Certain Admiralty and Maritime Claims, service of a Summons and Complaint was attempted on May 9, 2007 upon Defendants Seoul Marine Service Co. Ltd. and SMS Investment Co. S.A. through the Central Authority for South Korea under the Hague Convention. A copy of the Hague

Convention service request addressed to the receiving authority of the Ministry of Court Administration of the Republic of Korea is attached to the Greenbaum Aff. as Exhibit B. As stated in the Summons, attached to the Greenbaum Aff. as Exhibit A, Defendants had twenty days to appear in this matter after receipt of the Summons and Complaint. The Korean “Central Authority” signed a statement on June 21, 2007 that the Defendants were no longer at their last known address, attached to the Greenbaum Aff. as Exhibit C. An Order dated October 10, 2007 [Doc. 9], attached to the Greenbaum Aff. as Exhibit D, issued by this Court permitted Plaintiff to file for entry of judgment by default on notice to Defendants at their last known address.

Because Defendants have failed to answer, move or file a notice of appearance since service has been attempted and pursuant to this Court’s order dated October 10, 2007, Seoul Marine Service Co. Ltd. and SMS Investment Co. S.A. are in default.

Fed. R. Civ. P. 55(a) states:

Rule 55. Default

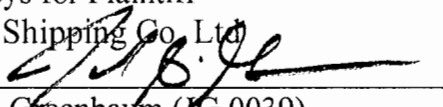
- (a) Entry. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.

The amount sought, \$30,808.92, is the amount, inclusive of interest and costs for the repayment of over-paid hire and/or other charges in the course of performance of a charter party. Garnishees The Bank of New York and JP Morgan Chase have restrained \$21,982 by maritime writ and Plaintiff requests the turn over of these funds in full to partially satisfy the judgment.

CONCLUSION

For the foregoing reasons, Tongli Shipping Co. Ltd. respectfully requests that this Court enter judgment against Defendants Seoul Marine Service Co. Ltd. and SMS Investment Co. S.A in favor of Plaintiff, Tongli Shipping Co. Ltd., in the amount of \$30,808.92, and that upon the expiration of the automatic stay of execution of judgment as provided by Fed. R. Civ. P. 62, direct Garnishees The Bank of New York and JP Morgan Chase to turn over the funds restrained by the maritime writs, to partially satisfy this judgment, to Blank Rome, LLP, the attorneys of record for Plaintiff.

Dated: New York, New York
October 17, 2007

BLANK ROME, LLP
Attorneys for Plaintiff
Tongli Shipping Co. Ltd.
By: 
Jack A. Greenbaum (JG 0039)
The Chrysler Building
405 Lexington Ave.
New York, NY 10174-0208
(212) 885-5000